

Department of Legislative Services
 Maryland General Assembly
 2007 Session

FISCAL AND POLICY NOTE

House Bill 1368 (Delegate Frush, *et al.*)
 Environmental Matters

Natural Resources - Black Bear Hunt - Prohibition

This bill prohibits the Department of Natural Resources (DNR) from establishing an open season to hunt black bears. The bill also prohibits DNR from reducing the black bear population in any area of the State except under specified conditions.

Fiscal Summary

State Effect: Special fund revenue decrease of \$30,000 annually beginning in FY 2008 in forgone application fee revenues. Special fund savings of \$2,000 annually beginning in FY 2008 due to the absence of a hunt. General fund expenditure increase of \$89,500 in FY 2009 to hire a technician to address the anticipated increase in nuisance complaints. Future year estimates reflect ongoing operating expenses and, in FY 2011, the need for another technician.

(in dollars)	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
SF Revenue	(\$30,000)	(\$30,000)	(\$30,000)	(\$30,000)	(\$30,000)
GF Expenditure	0	89,500	57,500	156,100	126,800
SF Expenditure	(2,000)	(2,000)	(2,000)	(2,000)	(2,000)
Net Effect	(\$28,000)	(\$117,500)	(\$85,500)	(\$184,100)	(\$154,800)

Note:() = decrease; GF = general funds; FF = federal funds; SF = special funds; - = indeterminate effect

Local Effect: The bill would not directly affect local government operations or finances.

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: DNR would be allowed to reduce the black bear population under the following conditions: (1) in defense of a person, the person's property, or domesticated animals on that property; and (2) after exhausting all nonlethal methods of resolving chronic documented agricultural damage or degradation caused by the black bear.

Current Law: The Secretary of Natural Resources is responsible for conservation and management of wildlife and wildlife resources in the State. Because black bears are classified as forest game mammals, DNR has the authority to establish an open season to hunt them. DNR has the authority to reduce wildlife populations, if after an investigation, it is determined that the wildlife is seriously injurious to agricultural or other interests.

Background: According to DNR, the State's population of black bears, estimated at more than 645, has increased significantly since the early 1990s. Until the 2004-2005 hunting season, a regulatory ban on hunting black bears had been in effect since 1953. Also adding to the population's steady increase is the absence of natural predators and improved habitats. As the population has grown, so has the number of sightings and complaints. DNR has responded to these complaints by providing technical assistance and educational materials to landowners and electric fencing to beekeepers. Since 1996, the sale of black bear conservation stamps has generated funds to compensate farmers and other landowners who report damage to agricultural crops caused by black bears.

A 2004 report by the International Association of Fish and Wildlife Agencies (IAFWA) noted that expanded bear populations bring new wildlife management challenges. According to the report, nationally, bear populations had grown 12% in five years; bear complaints had increased 19%; personnel hours to resolve complaints had increased 22%; and state agency expenditures to control bear damage had increased 45%. To slow the growth of bear populations and reduce human-bear conflicts, over half of all states have established regulated bear seasons. Some states have hunting seasons in their management plans.

Maryland's Black Bear Management Plan for 2004-2013 outlines several management goals and objectives. Major goals include ensuring the long-term viability of Maryland's black bear population through comprehensive research and monitoring; conserving black bear habitat in the State; and addressing human-bear conflicts. One plan objective is to use regulated hunting to achieve and maintain the black bear population at a level compatible with land use goals and to minimize potential nuisance situations.

DNR reports that in 2006 bear nuisance complaints increased by 17% over 2005 and by 11% over the previous five-year average. DNR reports, however, that the frequency of nuisance complaints in Garrett County, which contains most of Maryland's traditional bear range, has decreased and appears to be stabilizing. Allegany County, meanwhile, had a 52% increase in complaints in 2006 over those in 2005 and a 30% increase over the previous five-year average. While a relatively small percentage of the total bear nuisance complaints are received from Washington and Frederick counties, the number of complaints increased in those counties as well. DNR notes that the frequency of nuisance complaints can be influenced by a number of factors including the distribution and abundance of the black bear population, the level of acceptance/tolerance that the public has for bears, natural and artificial food source availability, and other social factors.

Black bear sightings, which DNR indicates are a valuable tool to monitor range expansion, increased in 2006 by 18% over the number of sightings in 2005 and by 32% over the previous five-year average.

For the 2004-2005 season, DNR established regulations instituting a limited black bear hunt, with a harvest target of 30 bears. DNR closed the hunt after only one day due to concern that the target would be surpassed if hunting continued. Twenty bears were harvested. For the 2005-2006 season, the harvest target was 40 to 55 bears. The season was closed after 40 bears had been harvested in four days. In both 2004 and 2005, DNR received over 2,000 applications and issued 200 bear-hunting permits. For the 2006-2007 season, DNR opened all of Allegany County to bear hunting in order to stabilize the growing bear population and had a harvest target of 35 to 55 bears. The season was closed after 41 bears had been harvested in two days.

State Revenues: Special fund revenues would decrease by an estimated \$30,000 annually beginning in fiscal 2008, which reflects foregone application fees (\$15 per application) that DNR would otherwise collect from a limited black bear hunt. This estimate assumes that, in the absence of the bill, DNR would receive approximately 2,000 applications for bear-hunting permits each year.

State Expenditures: DNR's Black Bear Response Team currently handles nuisance complaints relating to black bears. Absent the continuation of a bear hunting season, the bear population will increase at a faster rate and is anticipated to result in increased nuisance complaints; however, DNR advises that the team could not handle any additional workload. Accordingly, general fund expenditures could increase by an estimated \$89,496 in fiscal 2009 for an additional natural resources technician to address the additional nuisance complaints that are anticipated in the absence of a hunt. It includes a salary, fringe benefits, one-time start-up costs, and ongoing operating expenses.

Positions	1
Salary and Fringe Benefits	\$46,889
Automobile Purchase/Operations	29,290
Other Operating Expenses/Equipment	<u>13,317</u>
Total FY 2008 General Fund Expenditures	\$89,496

DNR advises that it cannot use special or federal funds to cover the increased workload due to Federal Aid in Wildlife Restoration Act requirements.

Future year general fund expenditures reflect: • 4.5% annual increases in the salary and 3% employee turnover; • 1% annual increases in ongoing operating expenses; and • the cost of hiring an additional natural resources technician in fiscal 2011 to handle additional complaints, including associated equipment and operating expenses.

The above estimate is consistent with prior year fiscal notes and DNR's estimate for HB 371 of 2005. In its estimate for 2006 and this year, DNR has advised that, in order to address the anticipated increase in nuisance complaints, it would need to hire a total of six natural resources technicians (one in fiscal 2008, two more in fiscal 2009, two more in fiscal 2010, and one more in fiscal 2011).

DNR has a team of roughly six employees in Garrett County that respond to bear nuisance complaints and general wildlife control personnel that respond in other counties, in some cases with assistance from the team in Garrett County. These employees are not devoted full time to bear response activities. While the number of nuisance complaints and the black bear population and range are increasing, it is unclear whether six full-time staff would be needed in future years solely for the purpose of addressing bear nuisance complaints in the absence of a hunting season. Therefore, it is assumed that hiring one technician in fiscal 2009 and another in fiscal 2011, would suffice. If, however, in the absence of a hunt, nuisance complaints increase to the extent additional staff is needed, DNR may request additional positions through the annual budget process.

Special fund expenditures would decrease by an estimated \$2,000 annually beginning in fiscal 2008 as a result of savings DNR would realize in costs for printing, tagging, and supplies that would otherwise be incurred to hold a black bear hunt. This estimate is based on the costs incurred for the 2004, 2005, and 2006 hunts.

Small Business Effect: Absent the continuation of a black bear hunt, farmers and other small businesses could incur increased costs to address damage caused by black bears.

According to the 2004 IAFWA report, bears can cause a wide range of economic damage, including damage to timber, beehives, agricultural crops, and various livestock and poultry. According to the Black Bear Management Plan for 2004-2013 developed in 2004, reported annual bear damage at the time had ranged from \$10,389 to \$50,524 since 1996, some of which farmers were reimbursed for with funding generated from the sale of black bear conservation stamps and other materials.

In addition, any tourism benefit that would otherwise occur as a result of a black bear hunting season would be eliminated.

Additional Information

Prior Introductions: Identical legislation was introduced as HB 1157 of 2006, SB 663 of 2006, and HB 371 of 2005. HB 1157 of 2006 and HB 371 of 2005 both received unfavorable reports from the House Environmental Matters Committee. SB 663 of 2006 received a hearing in the Senate Education, Health, and Environmental Affairs Committee but no further action was taken. HB 451 of 2004 and HB 629 of 2003 would have established a moratorium on hunting black bears but received unfavorable reports from Environmental Matters.

Cross File: None.

Information Source(s): Department of Natural Resources, International Association of Fish and Wildlife Agencies, Department of Legislative Services

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